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S/N 08/434,779

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Sievert et al. Examiner: K. Nguyen
Serial No.: 08/434,779 Group Art Unit: 1305
Filed: May 4, 1995 Docket No.: 3616.85US02
Title: COMPOSITE MASONRY BLOCK

RECEIVED

TERMINAL DISCLAIMER UNDER 37 C.F.R. 1.321(b)

MAR 26 1997

Assistant Commissioner for Patents
Washington, D.C. 20231

GROUP 3500

Dear Sir:

Petitioner, Anchor Wall Systems, Inc., a corporation organized and existing under the laws of the State of Minnesota and having its primary place of business at 6101 Baker Road, Suite 201, Minnetonka, Minnesota 55345-5973, in the county of Hennepin, and the state of Minnesota represents that it is the exclusive owner of the entire right, title and interest in the above-identified Application, by virtue of an assignment recorded at Reel 6848, Frames 0707-709, on December 15, 1993. Petitioner further represents that it is the exclusive owner of the entire interest in U.S. Patent Application Serial No. 08/680,919 filed June 15, 1996, by virtue of an assignment recorded at Reel 6848, Frames 707-709, on December 15, 1993.

Petitioner, Anchor Wall Systems, Inc., hereby disclaims the terminal part of any patent granted on ~~The above-identified U.S. Patent Application No. 08/434,779~~ ^{23046 148 110.00CH} Patent Application No. 08/434,779 which would extend beyond the

expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of any patent granted on above-identified U.S. Patent Application No. 08/680,919, not shortened by terminal disclaimer. Petitioner makes this disclaimer only to obviate the double patenting rejection made during the examination of this Application but does not agree with, or admit to, the substance of this rejection. Petitioner hereby agrees that any patent granted on above-identified U.S. Patent Application No. 08/434,779 shall be enforceable only for and during such period that the legal title to such patent and any patent granted from U.S. Patent Application No. 08/680,919 are commonly owned. This agreement is to run with any patent granted on above-identified U.S. Patent Application No. 08/434,779 and to be binding upon the grantee, its successor, or assigns.

In making the above disclaimer, Petitioner does not disclaim the terminal part of any patent granted on above-identified U.S. Patent Application No. 08/434,779 prior to the expiration date of the full statutory term, not shortened by disclaimer, of any patent granted from U.S. Patent Application No. 08/680,919, if it: (1) expires for failure to pay a maintenance fee; (2) is held unenforceable or is found invalid by a court of competent jurisdiction; (3) is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321; (4) has all claims cancelled by a reexamination certification; (5) is reissued; or (6) is otherwise terminated prior to the expiration of its full statutory term.

The undersigned (whose title is supplied below) is empowered to act on behalf of Petitioner.

Documents establishing the chain of title of the subject parent (including the aforementioned assignment and a recording location) have been reviewed and I certify that, to the best of my knowledge and belief, title is in Petitioner.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made herein on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

ANCHOR WALL SYSTEMS, INC.
By its Representatives
Merchant, Gould, Smith, Edell,
Welter & Schmidt, P.A.

Date: 3/3/87

By: John J. Gresens

John J. Gresens
Counsel for Anchor Wall Systems, Inc.

THE STATEMENT BELOW IS FOR OFFICE USE ONLY

In accordance with the decision granting the petition filed on _____, 19____, this terminal disclaimer is accepted. The period of patent lapse specified above has been accepted as equivalent to _____ months.

Petitions Examiner